

## **PLANNING BOARD REPORT TO ANNUAL TOWN MEETING ON ARTICLE 23**

### **Proposal to adopt a Temporary Moratorium on Medical Marijuana Treatment Centers**

This is the Report of the Planning Board to Town Meeting as required for Bylaw Amendments under Massachusetts General Laws Chapter 40A.

**Procedure:** On February 12, 2013, the Egremont Planning Board requested that the Board of Selectmen place an article on the Annual Town Meeting warrant for a Bylaw Amendment to adopt a Temporary Moratorium on Medical Marijuana Treatment Centers in the Town of Egremont until October 31, 2014. Following the Selectboard's agreement on February 19, 2013, the Planning Board published notice of a Public Hearing on the proposal in the Berkshire Eagle on March 15, 2013, and March 22, 2013, and held a Public Hearing on April 1, 2013, at the North Egremont Firehouse.

**Recommendation of the Planning Board:** Following the Public Hearing, the Planning Board voted on April 1, 2013, to support the adoption of the bylaw amendment as appearing on the Annual Town Meeting Warrant.

The Planning Board supports the adoption of this Temporary Moratorium on Medical Marijuana Treatment Facilities in order to allow the town time to assess upcoming new state regulations and the potential impact of such a facility in the town of Egremont and to draft a bylaw to address those potential impacts.

At the November 2012 state election, voters approved a new law to allow persons with certain medical conditions to legally obtain and use marijuana. The law allows the establishment of Medical Marijuana Treatment Centers for the acquisition, cultivation, processing and distribution of marijuana for medical use. The Massachusetts Department of Public Health is in the process of adopting regulations to govern Medical Marijuana Treatment Centers and anticipates that those regulations will be finalized in May 2013, after the Egremont Annual Town Meeting.

The Attorney General's office has ruled that towns may not adopt a total ban on Medical Marijuana Treatment Centers but may enact a Temporary Moratorium to give the town time to adopt a bylaw to address that use of land.

Unlike many other towns, Egremont does not have a commercial zoning district. Egremont's bylaw currently allows "Retail Business and Consumer Service Establishments" by Special Permit anywhere in the General District. Under our present zoning, the new state law potentially means that homeowners or business owners could be impacted by a Medical Marijuana Treatment Center next to or nearby their property. Until the regulations are finalized it is not possible to assess what these impacts might be.

A zoning bylaw can mitigate impacts on our homes and businesses, but the town needs time to develop and propose such a bylaw. The warrant article asks for a temporary moratorium until October 31, 2014.

This will be an entirely new property use in Massachusetts and the impacts are unknown. The Planning Board recommends this Temporary Moratorium until October 31, 2014, in order to have adequate time for the town to consider potential impacts and adopt a bylaw prior to any proposals for Medical Marijuana Treatment Centers being acted on by the town.

Adopting this Temporary Moratorium on Medical Marijuana Treatment Centers will give Egremont voters the opportunity to influence how this new state law will impact our town. The Planning Board asks for voters to support this Temporary Moratorium at Town Meeting.